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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,093	12/31/2001	Kenji Hori	111608	5865

25944 7596 09/26/2002

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EXAMINER

HASAN, MOHAMMED A

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 10/032,093

Applicant(s)

10/032,093

HORI, KENJI

Examiner

Art Unit

Mohammed Hasan

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/31/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Oath/Declaration***

1. Oath and declaration filed on 12/31/01 is accepted.

***Information Disclosure Statement***

2. The prior art documents submitted by applicant in the Information Disclosure Statement filed on April 18, 2002 have all been considered and made of record (note the attached a copy of form PTO – 1449).

***Priority***

3. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the

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treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102 (e) as being anticipated by Shiozawa (6,226,128).

Regarding claim 1, Shiozawa disclose a method of adjusting the optical thickness of an optical component made from a material transparent to light to be used, comprising: adding one of layers of a material which is the same as the material of an optical component (e.g., calcium fluoride used as an optical component and optical lithography apparatus column 4, lines 2 – 5), a material which has an index of refraction close to the index of refraction of material of optical component, to a surface of an optical component by at least one of vapor deposition and vapor growth, so that optical thickness is increased ( column 1, lines 14 – 24).

Regarding claim 3, Shiozawa disclose a method of adjusting an optical component having a adhering a layer (e.g., calcium fluoride) of material to an optical component by at least one of vapor deposition, plating, and vapor growth to adjust the position at least one surface of an optical component (column 1, lines 14 – 24, column 4, lines 2 – 5).

Regarding claim 5, Shiozawa disclose an optical thickness has been adjusted by the thickness adjustment method (column 4, lines 23 – 34).

Regarding claim 7, Shiozawa disclose an optical component thickness has been adjusted by the thickness adjustment method (column 4, lines 23 – 34).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shiozawa in view of Ford (5,418,182).

Regarding claim 2, Shiozawa discloses a method of adjusting the optical thickness of an optical component (such as lens, prism, plate) made of material transparent to light (column 1, lines 1- 24). Shiozawa discloses all of the claimed limitations except etching a surface of an optical component to reduce the optical thickness. Ford discloses etching a surface (10) of an optical component to reduce the optical thickness (etching creates ridges 46, refer to figure 1, column 4, lines 49 – 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a semiconductor material such as CVD device with an etching surface to the Shiozawa an optical component for the purpose of chemical vapor deposition, magnetron sputtering, etc., the characteristics of ion beam sputtering make that process the most desirable and also an appropriate structure could be grown or deposited upon the substrate to form the necessary light as taught by Ford (column 4, lines 31 – 34, lines 45 – 48 ).

Regarding claim 4, Shiozawa discloses a method of adjusting the optical thickness of an optical component (such as lens, prism, plate) (column 1, lines 1- 24). Shiozawa discloses all of the claimed limitations except etching a surface of an optical component to reduce the optical thickness. Ford discloses etching a surface (10) of an optical component to reduce the optical thickness (etching creates ridges 46, refer to figure 1, column 4, lines 49 – 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a semiconductor material such as CVD device with an etching surface to the Shiozawa an optical component for the purpose of chemical vapor deposition, magnetron sputtering, etc., the characteristics of ion beam sputtering make that process the most desirable and also an appropriate structure could be grown or deposited upon the substrate to form the necessary light as taught by Ford (column 4, lines 31 – 34, lines 45 – 48 ).

Regarding claim 6, Ford discloses an optical thickness has been adjusted by the thickness adjustment method (e.g., etching creates ridges 46, refer to figure 1, column 4, lines 49 – 51, an appropriate structure could be grown or deposited upon the substrate, column 4, lines 45 – 48).

Regarding claim 8, Ford discloses an optical component thickness has been adjusted by the thickness adjustment method (e.g., etching creates ridges 46, refer to figure 1, column 4, lines 49 – 51, an appropriate structure could be grown or deposited upon the substrate, column 4, lines 45 – 48).

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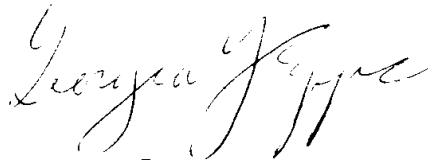
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (703) 306-0089. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MH  
September 23, 2002

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800